

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES ANTHONY DAVIS,

Plaintiff,

vs.

LADY ANN CHATMAN, *et al.*,

Defendants.

2:10-cv-02098-GMN-LRL

ORDER

Plaintiff filed this action pursuant to 42 U.S.C. § 1983. On January 10, 2011, the court issued an order denying plaintiff's application to proceed *in forma pauperis* because he has had "three strikes" under 28 U.S.C. § 1915(g) (docket #3). In that Order, the court directed plaintiff to submit the \$350.00 filing fee within thirty (30) days. The court expressly warned plaintiff that failure to respond to this court's order would result in dismissal of this action. The order was served on plaintiff at his address of record.

More than the allotted time has elapsed and plaintiff has not paid the filing fee. Instead, on January 20, 2011, plaintiff filed a declaration in support of application to proceed *in forma pauperis* (docket #4). Pursuant to Local Rule 7-6(a), such document is an improper *ex parte* communication with the court and as such shall be stricken.

This entire action will be dismissed for failure to comply with the court's order to pay the filing fee. Thus, plaintiff's motion for service by publication (docket #2) is denied as moot.

IT IS THEREFORE ORDERED that this action is **DISMISSED without prejudice** for the failure of plaintiff to comply with this court's order to pay the filing fee.

IT IS FURTHER ORDERED that plaintiff's "motion of declaration of request for leave to proceed *in forma pauperis*" (docket #4) is **STRICKEN**.

IT IS FURTHER ORDERED that plaintiff's motion for service by publication (docket

1 #2) is **DENIED** as moot.

2 **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly
3 and close this case.

4 DATED this 1st day of March, 2011.

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8 Gloria M. Navarro
9 United States District Judge
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